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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,143	06/25/2001	Peter Kamvysselis	EMS-01701	8831
26339	7590	10/31/2005	EXAMINER	
MUIRHEAD AND SATURNELLI, LLC 200 FRIBERG PARKWAY, SUITE 1001 WESTBOROUGH, MA 01581			TANG, KENNETH	
			ART UNIT	PAPER NUMBER
			2195	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/891,143	KAMVYSELIS ET AL.
	Examiner Kenneth Tang	Art Unit 2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 July 2005.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-6, 17-22 and 27 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6, 17-22 and 27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. This action is in response to the Amendment filed on 7/15/05. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejections.
2. Claims 1-6 and 17-22, and 27 are presented for examination.

### *Claim Objections*

3. Claim 27 is both Cancelled and Currently Amended, which is improper. It is unclear whether or not this claim is cancelled.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6 and 17-22 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention:
  - a. The following claim language is indefinite:
    - i. In claim 1, "device records" and "job records" are indefinite because it is not made explicitly clear in the claim whether these are associated with the "device" or the "communication device", or to both.
    - ii. Claim 17 is rejected for the same indefinite reasons as stated in the rejection of claim 1 above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**1. Claims 1, 5-6, 17, 21-22, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poublan et al. (hereinafter Poublan) (US 4,104,718) in view of Brackett et al. (hereinafter Brackett) (US 6,519,632 B1).**

2. As to claim 1, Poublan teaches a method of providing multiple jobs for a device associated with a communication device (*col. 1, lines 34-44*), comprising:

    providing a plurality of device records (files), wherein each of the device records corresponds to a device associated with the communication device (*col. 9, lines 14-19, col. 56, lines 35-55*);

    providing a plurality of job records for at least one of the device records, wherein each of the job records contains at least some information (*col. 40, lines 1-19*); and

    linking (pointer) the job records and the corresponding device record so that any one of the job records may be accessed by first accessing the corresponding one of the device records (*col. 41, lines 43-45*).

3. Poublan fails to explicitly teach that the job records contain information that is also provided in the corresponding one of the device records and exchanging data between the two communication devices. However, Brackett teaches having job records containing information

that is also provided in the corresponding one of the device records for a system that communicates with multiple remotely located storage or printing devices (col. 5, lines 30-33, col. 8, lines 5-16, Fig. 2, Fig. 6 and 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Poublan and Brackett because this increases communication ability of data records (*col. 5, lines 30-33, col. 8, lines 5-16*).

4. As to claim 5, Poublan teaches wherein at least one of the device records includes a pointer to one of the job records corresponding to an active job (*col. 12, lines 43-51 and col. 50, lines 13-25*).
5. As to claim 6, Poublan fails to explicitly teach wherein each of the job records includes information not found in other ones of the job records. However, it would have been obvious to one of ordinary skill in the art to combine the feature of job records including information not found in other ones of the job records because this prevents grouping uncommon information together in a job record, which increases organization.
6. As to claim 17, it is rejected for the same reasons as stated in the rejection of claim 1.
7. As to claims 21-22, they are rejected for the same reasons as stated in the rejection of claims 5-6.

8. As to claim 27, Poublan teaches wherein the device and the communication device are included in a remote data storage system which communicates with a local data storage system including another communication device, a request from said local data storage system using said other communication device causing creation of one of said job records in said remote data storage system (*col. 9, lines 14-19, col. 56, lines 35-55, col. 40, lines 1-19, col. 41, lines 43-45 col. 1, lines 34-44*).

9. **Claims 2-4 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poublan et al. (hereinafter Poublan) (US 4,104,718) in view of Brackett et al. (hereinafter Brackett) (US 6,519,632 B1), and further in view of James (US 6,035,376).**

10. As to claim 2, Poublan teaches using pointers to link device records and job records (see rejection of claim 1). Poublan fails to explicitly teach providing one of a plurality of shared pointers in each of the job records and the corresponding one of the device records, wherein all of the shared pointers point to the corresponding one of the device records. However, James teaches using shared pointers, which increases efficiency by saving from using multiple copies (*col. 4, lines 52-56 and col. 6, lines 13-16*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the feature of shared pointers to Poublan's device communication system which also uses pointers in order to gain the benefit described above.

11. As to claim 3, Poublan fails to explicitly teach wherein linking the job records includes providing a forward pointer and a backward pointer for each of the job records. However, James teaches using a forward pointer and a backwards pointer for each job fields of records in oder to provide the advantage of allowing the data to be transferred immediately when it is available. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the feature of using forward pointers and a backward pointers to Poublan's device communication system which also uses pointers in order to gain the benefit described above.

12. As to claim 4, Poublan teaches wherein linking the job records also includes providing a pointer to one of the job records in the corresponding one of the device records (*col. 41, lines 43-45*).

13. As to claims 18-20, they are rejected for the same reasons as stated in the rejection of claims 2-4.

***Response to Arguments***

14. Applicant's amendment has overcome all 35 USC 112 2<sup>nd</sup> paragraph rejections except for one of the indefinite rejections of claims 1 and 17. Applicant does not traverse or even address the indefinite rejections above. The amendment does not overcome the rejection made.

15. Applicant's arguments have been fully considered but are now moot in view of the new grounds of rejections.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kt  
10/19/05



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SUPERVISOR PATENT EXAMINER  
10/19/05